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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/933,562 | 08/20/2001 | David H. Parker | 17645-130 | 6565 |

33717 7590 08/05/2005

GREENBERG TRAURIG LLP
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EXAMINER

TON, ANABEL

ART UNIT PAPER NUMBER

2875

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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| | | | |
|------------------------------|-----------------|---------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/933,562 | PARKER ET AL. | |
| | Examiner | Art Unit | |
| | Anabel M. Ton | 2875 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-41, 43-46, 48-55, 57-59 and 61-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 11-25, 37-41, 43-46, 48-55, 57-59, 61 and 63-76 is/are allowed.
- 6) ☒ Claim(s) 26, 30, 31 and 34-36 is/are rejected.
- 7) ☒ Claim(s) 27-29, 32, 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 26,30,31,34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hon and further in view of Bent et al (6,536,3690).

3. Hon discloses the claimed invention except for the recitation of the body portion of the handle including at least one weight reducing element, the at least one weight reducing element forming at least one void in the handle, the at least one element being formed so as to retain the structural strength of the handle. Hon discloses a flashlight comprising a barrel, the barrel being for mounting batteries such that when the batteries are in the barrel, an array of several batteries are in side by side relationship around a central longitudinal axis through the barrel (32,34,50a, 50b), a lamp (56), a switch (22), a circuit (figs 8a, 8b, 52), the switch being for opening and closing the circuit, the circuit being between the batteries and the lamp (fig 8b), a lens (60), a cap for the barrel (62), the pistol grip handle extending transversely from the barrel, batteries, wherein the batteries (32) are mounted in a housing (44), the housing being removable when the cap is removed from the barrel (col. 4 lines 10-27), closure to the housing, the closure to the housing including means for mounting the lamp(threading as show in figure 4 has corresponding threading in cap 62 to close the lamp housing and subsequently provide

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an assembly that provides a mounting means for lamp 56 when assembled), the closure is mounted to close the housing in a tongue and groove manner (threading) the closure and opening being effected by relative rotation of the closure member on one end of the housing (rotation of the cap 62 along respective threading on body 12 closes the housing), operation of the flashlight by the switch is effected by an element mounted on the flashlight unassociated with the housing (hand of user depressing the switch to operate flashlight, inherent), as shown in figure 4, Hon discloses the batteries are located in a manner to relatively maximize the battery power and minimize the mount of unused space in the barrel.

4. Bent et al discloses a t-shaped handle wherein the body portion of the handle (10) includes at least one weight reducing element (42) the at least one element forming at least one void in the handle, the at least one element being formed so as to retain the structural strength of the handle (col. 3 lines 58-61).

5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form indentations (voids) in the handle of Hon as taught by Bent et al for the purpose of providing the handle/grip of Hon with increased structural strength since such a modification in the handle/grip of Hon would be desirable in addition to the already durable plastic material the grip is fabricated from for the purpose of increasing the structural integrity of the grip.

6. With regards to the batteries of the device being rechargeable batteries, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use rechargeable batteries in the device of Hon since the use of rechargeable

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batteries in flashlights is old and well known in the illumination art for providing a cost effective means of powering the device that is replenishable and does not require immediate replacement of the batteries when the power has dissipated from the batteries.

Allowable Subject Matter

7. Claims 1-9,11-25,37-41,43-46,48-55,57-59,61,63-76 are allowed.

Response to Arguments

8. Applicant's arguments filed 05/25/05 with respect to the rejection(s) of claim(s) 26 under USC 103 as unpatentable under Hon have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hon in view of Bent et al as stated above. Subsequent applicant's amendment of claim 26, Bent et al has been included in the above stated USC 103 rejection because of the teaching of indentations or voids in the handle of the device of Bent increases structural strength of the handle.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton

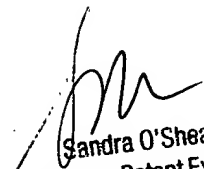
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Examiner
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AMT



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800